

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

American Advisors Group

Plaintiff

vs.

**Benjamin P. Campo, Esq., Special
Administrator of the Estate of Lena Mae
MacKenzie**

Defendant

**Secretary of Housing and Urban
Development**

Party-In-Interest

CIVIL ACTION NO:

COMPLAINT

RE:

10 Temperance Street, Calais, ME 04619

Mortgage:

January 23, 2015

Book 4129, Page 171

Washington County Registry of Deeds

NOW COMES the Plaintiff, American Advisors Group, by and through its attorneys, Doonan, Graves & Longoria, LLC, and hereby complains against the Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, as follows:

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant 28 U.S.C. § 1332(a)(1) (Diversity) because the Plaintiff and Defendant are citizens of different states and the matter in controversy exceeds the sum or value of seventy-five thousand and 00/100 (\$75,000.00) dollars, exclusive of interest and costs. Any Court of the United States, upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought under 28 U.S.C. § 2201.
2. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because the object of this litigation is a Note executed under seal currently owned and held by American Advisors Group, in which the Defendant, Benjamin P. Campo, Esq., Special Administrator

of the Estate of Lena MacKenzie aka Lena M. MacKenzie, is the obligor and the total amount owed under the terms of the Note is Ninety Thousand One Hundred Forty-One and 13/100 (\$90,141.13) Dollars, plus attorney fees and costs associated with the instant action; thus, the amount in controversy exceeds the jurisdictional threshold of seventy-five thousand (\$75,000.00) dollars.

3. Venue is properly exercised pursuant to 28 U.S.C. §1391(b)(2) insofar as all or a substantial portion of the events that give rise to the Plaintiff's claims transpired in Maine and the property is located in Maine.

PARTIES

4. American Advisors Group is a corporation with its principal place of business located at 3800 W. Chapman Avenue, 3rd Floor, Orange, CA 92868.
5. The Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena MacKenzie, is a resident of Westbrook, County of Cumberland and State of Maine.
6. The Party-in-Interest, The Secretary of Housing and Urban Development, is located at 451 Seventh Street SW, Washington D.C. 2410.

FACTS

7. On February 24, 2000, by virtue of a Warranty Deed from Gary R. Thornton and Carole S. Thornton, which is recorded in the Washington County Registry of Deeds in **Book 02409, Page 279**, the property situated at 10 Temperance Street, City/Town of Calais, County of Washington, and State of Maine, was conveyed to Arthur W. MacKenzie and Lena M. MacKenzie, being more particularly described by the attached legal description. *See* Exhibit A (a true and correct copy of the legal description is attached hereto and incorporated herein).

8. On January 23, 2015, Defendant, Lena MacKenzie aka Lena M. MacKenzie, executed and delivered to American Advisors Group a certain Note under seal in the amount of \$96,000.00. *See* Exhibit B (a true and correct copy of the Note is attached hereto and incorporated herein).
9. To secure said Note, on January 23, 2015, Defendant, Lena MacKenzie aka Lena M. MacKenzie executed a Mortgage Deed in favor of Mortgage Electronic Registration Systems, Inc. as nominee for American Advisors Group, securing the property located at 10 Temperance Street, Calais, ME 04619 which Mortgage Deed is recorded in the Washington County Registry of Deeds in **Book 4129, Page 171**. *See* Exhibit C (a true and correct copy of the Mortgage is attached hereto and incorporated herein).
10. The Mortgage was then assigned to American Advisors Group by virtue of an Assignment of Mortgage dated July 17, 2018 and recorded in the Washington County Registry of Deeds in **Book 4478, Page 95**. *See* Exhibit D (a true and correct copy of the Assignment of Mortgage is attached hereto and incorporated herein).
11. On November 29, 2021, the Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, was sent a Notice of Mortgagor's Right to Cure, pursuant to the subject Note and Mortgage as evidenced by the Certified Mail Tracking Number (herein after referred to as the "Demand Letter"). *See* Exhibit E (a true and correct copy of the Demand Letter is attached hereto and incorporated herein).
12. The Demand Letter informed the Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, of the payment due date, the total amount necessary to cure the default, and the deadline by which the default must be cured, which was thirty-five (35) days from receipt of the Demand Letter. *See* Exhibit E.

13. The Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, failed to cure the default prior to the expiration of the Demand Letter.
Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, is not personally liable and accordingly, this action does not seek any personal liability on the part of the Defendant, but only seeks in rem judgment against the property.
14. The Plaintiff, American Advisors Group, is the present holder of the Note pursuant to endorsement by the previous holder (if applicable), payment of value and physical possession of the Note in conformity with 11 M.R.S. § 3-1201, et seq., and *Simansky v. Clark*, 147 A. 205, 128 Me. 280 (1929).
15. The Plaintiff, American Advisors Group, is the lawful holder and owner of the Note and Mortgage.
16. The Plaintiff, American Advisors Group, hereby certifies that all steps mandated by law to provide notice to the mortgagor pursuant to 14 M.R.S.A. § 6111 and/or Note and Mortgage were strictly performed.
17. Secretary of Housing and Urban Development is a Party-in-Interest pursuant to a Junior Mortgage in the amount of \$96,000.00 dated January 23, 2015, and recorded in the Washington County Registry of Deeds in **Book 4129, Page 185** and is in second position behind Plaintiff's Mortgage.
18. Upon information and belief, Lena MacKenzie aka Lena M. MacKenzie passed away on May 17, 2018.
19. Upon information and belief Arthur William MacKenzie passed away on March 20, 2010
20. The total debt owed under the Note and Mortgage as of October 8, 2021 is Ninety Thousand One Hundred Forty-One and 13/100 (\$90,141.13) Dollars, which includes:

Description	Amount
Principal Balance	\$47,008.88
Interest	\$14,725.78
Attorney Fees & Costs	\$5,565.61
MIP	\$5,167.45
Taxes	\$11,498.89
Insurance	\$2,828.00
Appraisals	\$700.00
Inspections	\$820.00
Preservation	\$1,826.52
Grand Total	\$90,141.13

21. Upon information and belief, the Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, is not presently in possession of the subject property originally secured by the Mortgage.

COUNT I – FORECLOSURE AND SALE

22. The Plaintiff, American Advisors Group, repeats and re-alleges paragraphs 1 through 21 as if fully set forth herein.
23. This is an action for foreclosure and sale respecting a real estate related Mortgage and title located at 10 Temperance Street, Calais, County of Washington, and State of Maine. *See* Exhibit A.
24. The Plaintiff, American Advisors Group, is the holder of the Note referenced in Paragraph 8 pursuant to endorsement by the previous holder (if applicable) and physical possession of the aforesaid Note in conformity with Title 11, section 3-1201, et seq. of the Maine Revised Statutes and *Simansky v. Clark*, 147 A. 205, 128 Me. 280 (1929). As such, Plaintiff, American Advisors Group, has the right to foreclosure and sale upon the subject property.

25. The Plaintiff, American Advisors Group, is the current owner and investor of the aforesaid Mortgage and Note.

26. The Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, although having no personal liability, is presently in default on said Mortgage and Note, having failed to make the monthly payment due May 17, 2018, and all subsequent payments, and, therefore, has breached the condition of the aforesaid Mortgage and Note.

27. The total debt owed under the Note and Mortgage as of October 8, 2021 is Ninety Thousand One Hundred Forty-One and 13/100 (\$90,141.13) Dollars, which includes:

Description	Amount
Principal Balance	\$47,008.88
Interest	\$14,725.78
Attorney Fees & Costs	\$5,565.61
MIP	\$5,167.45
Taxes	\$11,498.89
Insurance	\$2,828.00
Appraisals	\$700.00
Inspections	\$820.00
Preservation	\$1,826.52
Grand Total	\$90,141.13

28. The record established through the Washington County Registry of Deeds indicates that there are no public utility easements recorded subsequent to the Mortgage and prior to the commencement of these proceedings affecting the mortgaged premises at issue herein.

29. By virtue of the Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie 's breach of condition, the Plaintiff hereby demands a foreclosure and sale on said real estate.

30. Notice in conformity with 14 M.R.S.A. § 6111 and/or Note and Mortgage was sent to the Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, on August 14, 2021, evidenced by the Certificate of Mailing. *See* Exhibit E.
31. The Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, is not in the Military as evidenced by the attached Exhibit F.

PRAYERS FOR RELIEF

WHEREFORE, the Plaintiff, American Advisors Group, prays this Honorable Court:

- a) Issue a judgment of foreclosure and sale in conformity with Title 14 § 6322;
- b) Grant possession to the Plaintiff, American Advisors Group, upon the expiration of the period of redemption;
- c) Find that the Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie is not personally liable and accordingly, this action does not seek any personal liability on the part of the Defendant, but only seeks *in rem* judgment against the property, in breach of the Note by failing to make payment due as of May 17, 2018, and all subsequent payments;
- d) Impose the applicable time periods for redemption, etc. as reflected in Title 14 § 6322;
- e) Find that while the Defendant, Benjamin P. Campo, Esq., Special Administrator of the Estate of Lena Mae MacKenzie, has no personal liability in this matter, a Judgment of Foreclosure and Sale in this matter can be imposed *in rem* against the property commonly known as 10 Temperance Street, Calais, ME 04619; and
- f) For such other and further relief as this Honorable Court deems just and equitable.

Respectfully Submitted,
American Advisors Group,
By its attorneys,

Dated: February 17, 2022

/s/Reneau J. Longoria, Esq.
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